

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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ARMANDO RAMIREZ,

Case No. 3:13-cv-00025-MMD-VPC

Petitioner,

ORDER

v.

BAKER, et al.,

Respondents.

Before the Court is petitioner Armando Ramirez's counseled motion for reconsideration of this Court's order granting respondents' motion to dismiss in part. (ECF No. 30.) Respondents opposed. (ECF No. 31.) Ramirez did not file a reply.


The Court concluded that three claims — ground 3, ground 4(a) and ground 4(b) — were unexhausted. (ECF No. 28.) Ramirez presumably brought his motion for reconsideration pursuant to Rule 60(b) of the Federal Rules of Civil Procedure. Rule 60(b) entitles the moving party to relief from judgment on several grounds, including the catch-all category "any other reason justifying relief from the operation of the judgment." Fed.R.Civ.P. 60(b)(6). A motion under subsections (b)(4-6) must be brought "within a reasonable time." Fed.R.Civ.P. 60(c)(1). Relief under subsection (b)(6) requires a showing of "extraordinary circumstances." *Gonzalez v. Crosby*, 545 U.S. 524, 535 (2005). Rule 60(b) applies to habeas proceedings, but only in conformity with Antiterrorism and Effective Death Penalty Act (AEDPA), including the limits on successive federal petitions set forth at 28 U.S.C. § 2244(b). *Gonzalez*, 545 U.S. at 529.

1 In his motion, Ramirez repeats the arguments that he raised in his opposition to  
2 the motion to dismiss. The Court discerns no extraordinary circumstances here that  
3 would provide a basis for granting the motion for reconsideration. Accordingly,  
4 Ramirez's motion is denied.

5 It is therefore ordered that the petitioner's motion for district judge to reconsider  
6 order (ECF No. 30) is denied.

7 It is further ordered that, within thirty (30) days of the date of this order, petitioner  
8 shall respond to this Court's order dated July 7, 2015, and found at ECF No. 28.

9 DATED THIS 17<sup>th</sup> day of May 2016.

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12 MIRANDA M. DU  
13 UNITED STATES DISTRICT JUDGE  
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